

STATEMENT UNDER 37 CFR 1.97(e) ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT

Docket No.
MEDIPACS 04.03

In Re Application Of: **BANISTER**

| Application No. | Filing Date | Examiner | Customer No. | Group Art Unit | Confirmation No. |
|-----------------|-------------------|----------|--------------|----------------|------------------|
| 10/786,718 | February 24, 2004 | | 27,667 | 3746 | 2762 |

Invention:

PULSE ACTIVATED ACTUATOR PUMP SYSTEM

COMMISSIONER FOR PATENTS:

This is a statement under the provisions of 37 CFR 1.97(e) in the above-identified application.

Check applicable statement herebelow:

Statement Under 37 CFR 1.97(e)(1)

Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

Statement Under 37 CFR 1.97(e)(2)

No item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.



Signature

Dated: *3/09/07*

Norman P. Soloway
Reg. No. 24, 315
HAYES SOLOWAY P.C.
3450 E. Sunrise Drive, Suite 140
Tucson, AZ 85718
P: 520-882-7623
F: 520-882-7643

Certificate of Mailing by First Class Mail

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

March 9, 2007.
(Date)

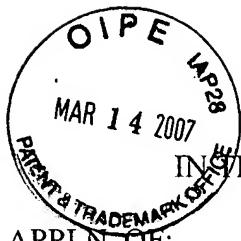


Signature of Person Mailing Correspondence

Patricia Sorensen

Typed or Printed Name of Person Mailing Correspondence

cc:



ITW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLN. OF: BANISTER

SERIAL NO.: 10/786,718

FILED: February 24, 2004

FOR: PULSE ACTIVATED ACTUATOR PUMP SYSTEM

DOCKET: MEDIPACS 04.03 Confirmation No. 2762

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In connection with the above-entitled matter, Applicant wishes to bring to the attention of the Patent Office additional prior art received in connection with a Search Report issued in the Applicant's corresponding EPO application. Attached is the EPO Supplementary Search Report dated February 6, 2007. Enclosed is a Patent Office form PTO-1449. Applicant is not submitting copies of the U.S. Patent references as the Office waived the requirement. The claims in the present application are believed to be patentably distinguished over these references.

The references were cited in the EPO Supplementary Search Report dated January 25, 2007 of the related EPO patent application. Enclosed is a copy of the Supplementary Search Report. Some of the references are already of record. Thus, additional copies are not being provided.

This Information Disclosure Statement is being made pursuant to the duty of disclosure imposed by law and formulated in 37 CFR 1.56(A). No representation is made that the

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE,
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

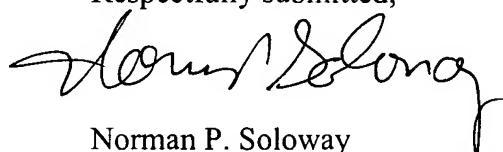
175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

information thus disclosed in fact constitute prior art or that it is the closest prior art, inasmuch as 37 CFR 1.56(A) relies on a materiality concept which depends on subjectivity.

In compliance with the requirements of 37 C.F.R. § 1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 35 U.S.C. § 1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record submits a copy of an EPO Supplementary Search Report in a related EPO application in which the references were cited. The relevance to the pending U.S. patent application is that the references were cited in an EPO patent application on related subject matter. However, no independent analysis of the reference, the accuracy of the statement of EPO Examiner or the claims of the EPO application under the laws of the United States relative to the subject matter claimed in the present application has been made; the present understanding of the contents thereof by the undersigned being based on the EPO Examiner's comments submitted therewith.

The enclosed Information Disclosure Statement is being submitted within three months of receipt of the EPO Official Action, as certified in the attached Certification for Information Disclosure Statement. Therefore, we believe there are no fees involved with this prior art disclosure statement. However, in the event there are any fees payable, please charge them to our Deposit Account No. 08-1391.

Respectfully submitted,



Norman P. Soloway
Attorney for Applicant
Registration No. 24,315

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE,
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 9, 2007 at Tucson, Arizona.

By Patricia Sorenson

NPS:sm:ps

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE,
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

| INFORMATION DISCLOSURE CITATION <small>(Use several sheets if necessary)</small> | | | Docket Number (Optional) MEDIPACS 04.03 | | Application Number 10/786,718 | | |
|--|-----------------|-----------------|---|-------------------------------|---|-------------|----------------------------|
| | | | Applicant(s) BANISTER | | | | |
| | | | Filing Date February 24, 2004 | Group Art Unit 3646 | | | |
| U.S. PATENT DOCUMENTS | | | | | | | |
| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| U.S. PATENT APPLICATION PUBLICATIONS | | | | | | | |
| *EXAMINER INITIAL | REF | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| FOREIGN PATENT DOCUMENTS | | | | | | | |
| REF | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation | |
| | | | | | | YES | NO |
| | WO 97/42412 | 13.11.97 | WIPO | F04B | 43/12 | | ✓ |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i> | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| EXAMINER | | | | DATE CONSIDERED | | | |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | | | | | | | |